

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

DOMINIQUE WASHINGTON,
Plaintiff,

v.

**LVNV FUNDING, LLC &
CREDIT CONTROL, LLC**
Defendant.

) **JURY TRIAL DEMANDED**

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) **Case No.**

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COMPLAINT

Plaintiff, DOMINQUE WASHINGTON ("Plaintiff"), by and through her attorney, Kristie Lewis, as and for its Complaint against LVNV FUNDING, LLC & CREDIT CONTROL, LLC (hereinafter referred to as "Defendants"), respectfully sets forth, complains and alleges, upon information and belief, the following:

I. INTRODUCTION

1. Plaintiff brings this action for damages, declaratory and injunctive relief, arising from Defendant's violation(s) of § 1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

II. PARTIES

2. Plaintiff is a resident of the State of Texas, residing in Harris County, Houston, Texas.
3. For the purposes of the claims asserted herein, Plaintiff is, and at all relevant times was, a "consumer" as explicitly defined by the Fair Debt Collection Practices, Act 15 U.S.C. §1692a(3). This statutory classification is pertinent as it establishes Plaintiff's

standing under the FDCPA, which protects consumers from abusive, deceptive, and unfair debt collection practices.

4. Defendant LVNV FUNDING, LLC ("LVNV") is a corporation engaged in the business of debt collection and partners with Resurgent Capital Services as an intertwined company, both with the same address at 55 Beattie Place, Greenville, South Carolina, 29601.
5. Defendant CREDIT CONTROL, LLC ("CREDIT CONTROL") is a corporation engaged in the business of debt collection with an address at 3300 Rider Trail S, Suite 500, Earth City, Missouri, 63045.
6. For the purposes of this action, Defendants are classified as "debt collectors" under the provisions of the FDCPA, specifically 15 U.S.C. § 1692a(6). This classification is critical as it subjects the Defendants to the regulatory framework of the FDCPA, which governs the conduct of entities involved in the collection of consumer debts.

III. JURISDICTION AND VENUE

7. The Court has jurisdiction over this matter pursuant to the following statutes: 28 U.S.C. § 1331, 15 U.S.C. § 1692 et seq. and 28 U.S.C. § 2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. § 1367(a).
8. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

IV. FACTUAL ALLEGATIONS

9. Plaintiff re-alleges and re-incorporates all previous paragraphs as fully set out herein.

10. On information and belief, Defendants began collection efforts and a campaign of communications with Plaintiff by credit reporting an alleged debt for WebBank, in the amount of \$624.93, sometime in 2024.
11. LVNV AND CREDIT CONTROL are members of a related group of debt collectors who operate as agents for each other and as one entity.
12. LVNV purchases defaulted debts, which are then assigned to their sister agency, CREDIT CONTROL, who undertakes direct collection efforts.
13. All of CREDIT CONTROL collection efforts described *infra* were taken on behalf of LVNV.
14. Plaintiff pulled her credit report and observed the above-mentioned account.
15. Plaintiff prepared cease and desist correspondence dated November 19, 2024 (Exhibit A) and mailed it to the Defendants via certified mail on December 3, 2024 (Exhibit B).
16. Defendants ignored Plaintiff's request and thereafter had their partner affiliate, CREDIT CONTROL, send Plaintiff a collection letter dated December 25, 2024, clearly demonstrating the entity's attempt to still collect a debt on behalf of LVNV (Exhibit C).

V. CAUSE OF ACTION

(Violations of the FDCPA)

17. Plaintiff re-alleges and re-incorporates all previous paragraphs as fully set out herein.
18. Pursuant to 15 USC §1692c, a debt collector may not communicate with a consumer once the consumer communicates the wish that the debt collector cease further communications.

19. Defendant violations of the aforementioned statute include, but are not limited to the following:
 - a) Failure to comply with Plaintiff's cease and desist request after receipt of it on December 9, 2024 (Exhibit D).
 - b) Utilizing a third-party debt collector to attempt to collect a debt after notification from Plaintiff to cease and decess this action.
20. Pursuant to 15 USC §1692e, a debt collector may not use false, deceptive or misleading statements in connection with the collection of a debt.
21. Defendant violated this statute by falsely implying that Plaintiff had not made the cease and desist request.
22. As a result of Defendant's violations of the FDCPA, Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

VII. JURY DEMAND AND PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against Defendant for:

- A. Actual damages pursuant to 15 U.S.C. § 1692k(a)(1);
- B. For statutory damages provided in, and pursuant to, 15 U.S.C. § 1692k(2)(A) and 15 U.S.C. § 1692k(2)(B);
- C. For attorneys' fees and costs provided in, and pursuant to, 15 U.S.C. § 1692(a)(3);
- D. A declaration that the Defendant's practices violated the FDCPA;

E. Any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Respectfully submitted,

/s/ Kristie L. Lewis

KRISTIE L. LEWIS

Federal Bar No. 1356712

Texas Bar No. 24076510

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ATTORNEY FOR PLAINTIFF

EXHIBIT A

RE: Original Creditor: webbank fingerhut
Account#: 636992XXXXXX

LVNV FUNDING LLC AKA RESURGENT CAPITAL SERVICES
P.O. BOX 1269
GREENVILLE, SC 29602

November 19, 2024

Dear Madam/Sir,

With reference to above account(s), I am requesting, please do not send me any type of documentation regarding this account or any other accounts under my name from you or your affiliates. This is a complete cease and desist for you and any other creditors that you will try to assign to these accounts, including any future accounts.

Regards,

DOMINIQUE WASHINGTON
16222 SALIDA DE SOL DR
HOUSTON, TX 77083

DATE OF BIRTH: 1/30/1992
SSN: [REDACTED]-[REDACTED]-2008

EXHIBIT B

9589 0710 5270 0559 3222 78

U.S. Postal Service CERTIFIED MAIL® RECEIPT

Domestic Mail Only

For delivery information, visit our website at www.usps.com

Certified Mail Fee

- ☒ Certified Mail & Return Receipt by First-Class Mail® \$ 4.75
- ☐ Return Receipt by First-Class Mail® \$ 0.00
- ☐ Return Receipt by Registered Mail® \$ 0.00
- ☐ Certified Mail Restricted Delivery® \$ 0.00
- ☐ Adult Signature Required \$ 0.00
- ☐ Adult Signature Restricted Delivery® \$ 0.00

Postage

Total Postage and Fees

Send To

Street and Apt. No., or P.O. Box No.

City, State, ZIP+4®

LUNV Funding
P.O. Box 1269
Greenville SC 29602



See Reverse for Instructions

EXHIBIT C

CSCROTT
PO BOX 1280
OAKS, PA 19456-1280
CHANGE SERVICE REQUESTED

Credit Control, LLC
3300 Rider Trail S, Suite 500
Earth City, MO 63045
877-431-7784
M - TH 9a.m. - 6p.m. F 8a.m. - 5p.m. (ET)
www.credit-control.com
12/25/2024
Reference #: 51394017

DOMINIQUE WASHINGTON
16222 SALIDA DE SOL DR
HOUSTON TX 77083-4962

Scan with your smart phone for
more information



Credit Control, LLC is a debt collector. We are trying to collect a debt that you owe to LVNV Funding LLC. We will use any information you give us to help collect the debt.

Our information shows:

You had an account with Fingerhut from WebBank with account number ending in *****3300.

As of 09/29/2020, you owed:		\$624.93
Between 09/29/2020 and today:		
You were charged this amount in interest:	+	\$0.00
Total amount of non-interest charges or fees:	+	\$0.00
You paid or were credited this amount toward the debt:	-	\$0.00
Total amount of the debt now:		\$624.93

It is the policy of the current creditor to delete the tradeline upon satisfaction. Please note, this applies only to the tradeline reported by LVNV Funding LLC and will not affect the tradeline of the original creditor or any other third party.

TEXAS LAW REQUIRES THE FOLLOWING DISCLOSURE:

THE LAW LIMITS HOW LONG YOU CAN BE SUED ON A DEBT. BECAUSE OF THE AGE OF YOUR DEBT, LVNV Funding LLC WILL NOT SUE YOU FOR IT. IF YOU DO NOT PAY THE DEBT, LVNV Funding LLC MAY CONTINUE TO REPORT IT TO CREDIT REPORTING AGENCIES AS UNPAID FOR AS LONG AS THE LAW PERMITS THIS REPORTING. THIS NOTICE IS REQUIRED BY LAW.

PLEASE NOTE, IN ADDITION TO THE FOREGOING, THAT BECAUSE OF THE AGE OF YOUR DEBT LVNV Funding LLC CANNOT SUE YOU FOR IT.

How can you dispute the debt?

- Call or write to us by 02/10/2025, to dispute all or part of the debt. If you do not, we will assume that our information is correct.
- If you write to us by 02/10/2025, we must stop collection on any amount you dispute until we send you information that shows you owe the debt. You may use the form below or write to us without the form. You may also include supporting documents. We accept disputes electronically at correspondence@credit-control.com.

What else can you do?

- Write to ask for the name and address of the original creditor, if different from the current creditor. If you write by 02/10/2025, we must stop collection until we send you that information. You may use the form below or write to us without the form. We accept such requests electronically at correspondence@credit-control.com.
- Go to www.cfpb.gov/debt-collection to learn more about your rights under federal law. For instance, you have the right to stop or limit how we contact you.
- Contact us about your payment options.
- Póngase en contacto con nosotros para solicitar una copia de este formulario en español.

EXHIBIT D

ALERT: WILDFIRES AND EMERGENCY EVENTS IN THE LOS ANGELES METRO AREA U.S. MAY ...

USPS Tracking®

FAQs >

Tracking Number:

Remove X

9589071052700559322278

Copy

Add to Informed Delivery (<https://informedelivery.usps.com/>)

Latest Update

Your item was picked up at a postal facility at 10:59 am on December 9, 2024 in GREENVILLE, SC 29602.

Get More Out of USPS Tracking:

USPS Tracking Plus®

Delivered

Delivered, Individual Picked Up at Postal Facility

GREENVILLE, SC 29602

December 9, 2024, 10:59 am

Arrived at USPS Regional Facility

GREENVILLE SC DISTRIBUTION CENTER

December 7, 2024, 1:33 pm

In Transit to Next Facility

December 6, 2024

Arrived at USPS Regional Origin Facility

NORTH HOUSTON TX DISTRIBUTION CENTER

December 4, 2024, 12:45 am

Departed Post Office

ALIEF, TX 77411

December 3, 2024, 4:44 pm

USPS in possession of item

Feedback

ALIEF, TX 77411
December 3, 2024, 12:59 pm

Hide Tracking History

What Do USPS Tracking Statuses Mean? (<https://faq.usps.com/s/article/Where-is-my-package>)

Text & Email Updates

USPS Tracking Plus®

Product Information

See Less

Track Another Package

Enter tracking or barcode numbers

Need More Help?

Contact USPS Tracking support for further assistance.

FAQs